Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

Part I: Measure Information

Bill Request #: _4				
Bill #: HB 58				
Bill Subject/Title: AN ACT relating to DNA				
Sponsor: Representative Reginald Meeks				
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government				
Office(s) Impacted: County Jails, County Sheriff Offices, Local Police Departments				
Requirement: x Mandatory Optional				
Effect on Powers & Duties: Modifies Existingx Adds New Eliminates Existing				

Part II: Purpose and Mechanics

This bill requires local law enforcement agencies and jailers to obtain a DNA sample of any adult arrested, indicted, or otherwise charged with a felony. This DNA sample will be remitted to and kept on file by the Kentucky State Police (KSP) forensic lab. KSP will provide necessary supplies, containers, and training at no cost to the local agency. The local agency collecting the DNA sample will receive \$5 payment for each sample collected. The local law enforcement agency, not fiscal court or city government, will receive the payment from the State Treasury.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 58 on local governments is expected to be minimal.

The actual training, as well as all supplies and containers will be provided free to local agencies by KSP. There may be a cost to the local agency to attend the training, as well as personnel cost to cover the shifts of those employees in training. The larger agencies may experience minor personnel issues resulting from the time necessary to obtain the DNA sample. If the arresting officer is responsible for obtaining the sample there will be time taken from the officer's other duties.

While, the cost to local government will be minimal, KSP estimates the initial cost to the State Treasury regarding the \$5 payment to the agency as a maximum of \$175,000. This is based on 35,000 felony arrests (reflecting over 205,000 felony offenses charged). Depending on the type of any prior felony offense (i.e. sexual assault), a number of these arrestees may have already submitted to a DNA sample prior to this program. This figure does not include the cost of supplies which will be absorbed by the KSP or the training which will also be provided free of cost by the KSP.

It may be assumed that if the bill passes, the cost to the State Treasury and consequently, the amount going to local governments, will decrease over time, as DNA samples will have already been collected on repeat offenders. The Bureau of Justice Statistics (BJS) puts the percentage for repeat felon arrest in the country's 75 largest counties as high as 75%. Additional BJS data states three in four former prisoners in 30 states are arrested within five years of release. Kentucky specific data regarding repeat offenders is not readily available, but assuming the BJS data of 75% recidivism, over a 10 year cycle, DNA samples may only be needed on approximately 8,750 felony arrestees annually.

Below is a breakdown of felony arrest per county by the arresting agency for 2014. This data is only through November 25, 2014, and is the most recent data available as of the date of this analysis. Whereas, there can be a significant variance year to year especially with the larger agencies, the omission of December is not crucial to providing a rough estimate. When estimating the impact to a specific local agency at \$5 per sample, keep in mind the future impact of repeat offenders and lower the estimate accordingly.

County	Number of Felony Arrests	County	Number of Felony Arrests
Adair	23	Allen	112
Anderson	135	Ballard	51
Barren	429	Bath	22
Bell	383	Boone	871
Bourbon	139	Boyd	443
Boyle	260	Bracken	25
Breathitt	36	Breckinridge	94
Bullitt	552	Butler	129
Caldwell	95	Calloway	197
Campbell	869	Carlisle	20
Carroll	180	Carter	141
Casey	92	Christian	898
Clark	314	Clay	255
Clinton	102	Crittenden	55
Cumberland	41	Daviess	1192
Edmonson	110	Elliott	29
Estill	98	Fayette	623
Fleming	35	Floyd	178
Franklin	437	Fulton	98

County	Number of Felony Arrests	County	Number of Felony Arrests
Gallatin	72	Garrard	89
Grant	242	Graves	511
Grayson	136	Green	30
Greenup	65	Hancock	26
Hardin	886	Harlan	250
Harrison	73	Hart	162
Henderson	445	Henry	105
Hickman	56	Hopkins	494
Jackson	12	Jefferson	5,212
Jessamine	369	Johnson	256
Kenton	1,388	Knott	94
Knox	131	Larue	61
Laurel	511	Lawrence	41
Lee	45	Leslie	37
Letcher	114	Lewis	33
Lincoln	163	Livingston	48
Logan	284	Lyon	56
Madison	882	Magoffin	39
Marion	206	Marshall	208
Martin	76	Mason	187
McCracken	616	McCreary	212
McLean	66	Meade	311
Menifee	14	Mercer	133
Metcalfe	26	Monroe	53
Montgomery	261	Morgan	36
Muhlenberg	241	Nelson	408
Nicholas	31	Ohio	230
Oldham	205	Owen	43
Owsley	90	Pendleton	95
Perry	184	Pike	330
Powell	137	Pulaski	329
Robertson	5	Rockcastle	216
Rowan	170	Russell	45
Scott	108	Shelby	356
Simpson	99	Spencer	30
Taylor	351	Todd	104
Trigg	94	Trimble	72
Union	123	Warren	1039
Washington	49	Wayne	196
Webster	68	Whitley	210
Wolfe	26	Woodford	87

Data Source(s): Kentucky State Police, Bureau of Justice Statistics, Franklin County

Sheriff's Office

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